THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.7441 OF 2006

DATED 23-11-2006.

Between:

Bhamidipati Bapanayyapantulu .. PETITIONER

And

The Kakinada Municipal Corporation,
Kakinada, rep. by its Commissioner
and another. .. RESPONDENTS

WRIT PETITION NO.7441 OF 2006

ORDER:

Heard the party-in-person Sri Bhamidipati Bapanayyapantulu and the learned standing counsel representing the 1st respondent.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 1st respondent in not initiating any action against the 2nd respondent in spite of repeated reminders and requests right from 11.11.2002 as illegal, arbitrary and against to all cannons of justice and law and direct the 1st respondent to remove the illegal constructions made by the 2nd respondent in violation of the sanctioned plan forthwith and pass such other suitable orders.

3. It is stated that the 2nd respondent constructed a residential complex on the southern side of the petitioner's abode and when he sought to construct the complex without leaving the set back spaces and opening of the windows of the flats towards the petitioner's residential building, the petitioner made a representation to the 1st respondent on 11-11-2002 bringing to its notice that the constructions which were sought to be made are in total deviation of the sanctioned plan besides being in violation of the various provisions of Municipal Corporation Act as well as the Zoning and Building Regulations. It is stated that though the same was received by the first respondent, he had not initiated any action and thereafter it is stated that the petitioner made representations to the first respondent on 09-06-2003, 20-02-2004, 18-08-2005 and 20-01-2006 in writing apart from making several oral requests to the first respondent. It is also stated that though several representations were made, no action had been initiated in this regard. Several other factual details also had been narrated in Paras 4

and 5 of the affidavit filed in support of the writ petition.

4. The main grievance of the writ petitioner is that though the 2nd respondent had made certain constructions in deviation of the approved plan and the same is not in accordance with the provisions of the Act or the Rules and the Bylaws governing the same, the 1st respondent is not initiating any action in relation thereto. In the light of the grievance made out by the writ petitioner, this Court is of the considered opinion that the Writ Petition be disposed of directing the 1st respondent to look into the grievances of the Writ Petitioner as specified in the representation dated 20-01-2006 and take appropriate action in this regard as early as possible preferably within a period of 4 (four) months from the date of the receipt of a copy of this Order.

5. The Writ Petition is disposed of accordingly. No costs.

23.11.2006

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